

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LARRY JACKSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:03-cv-0879-DFH-TAB
)	
MARION COUNTY SHERIFF'S)	
DEPARTMENT and FRANK J.)	
ANDERSON, in his official capacity)	
as Marion County Sheriff,)	
)	
Defendants.)	

ORDER ON MOTION FOR JUDICIAL NOTICE

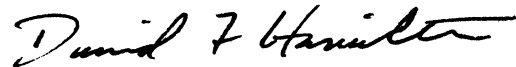
In opposing defendant's pending motion for summary judgment, plaintiff has filed a motion for judicial notice (Docket No. 42). The motion asks the court to take judicial notice of matters arising out of Judge Dillin's and Judge Barker's epic case on conditions at the Marion County Jail, *Marion County Jail Inmates v. Sheriff*, Cause No. IP 72-424-C. Plaintiff has submitted copies of the relevant court decisions from that case, and he relies upon them to show a longstanding policy of overcrowding in the Marion County Jail in general and in the "lock-up" portion in particular.

The motion is granted and the court will consider the decisions from the other case in deciding the pending motion for summary judgment. The defense has not objected to the motion for judicial notice, and it is reasonable to assume

that the evidence of those decisions would be available to plaintiff at trial in this matter. The court's ruling on this motion is not intended to reflect a view on whether the cited decisions from the other case will ultimately control the decision on defendant's motion for summary judgment.

So ordered.

Date: 9/28/05



DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

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